

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

_____)	Case Number: <u>6:08-3980-GRA</u>
HILL HOLLIDAY CONNORS)	
COSMOPULOS, INC. d/b/a ERWIN-)	
PENLAND,)	
)	
Plaintiff)	
)	
vs.)	
)	
JEFFREY GREENFIELD and)	
1st APPROACH, LLC,)	
)	
Defendants.)	
_____)	

NOTICE OF REMOVAL

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT IN THE DISTRICT OF SOUTH CAROLINA, GREENVILLE DIVISION.

PLEASE TAKE NOTICE THAT Defendant Jeffrey Greenfield in the above-titled matter hereby removes to this Court the state court action described below.

Defendant Jeffrey Greenfield ("Defendant Greenfield"), hereby gives notice that this action is removed to the United States District Court in and for the Greenville Division of the District of South Carolina from the Court of Common Pleas in and for the County of Greenville, South Carolina. Pursuant to 28 U.S.C. §1441 and 28 U.S.C. §1446, Defendant Greenfield further states as follows:

State Court Action: Defendant Greenfield is named as a defendant in a civil action filed in the Court of Common Pleas in and for the County of Greenville, South Carolina, styled *Hill Holliday Connors Cosmopulos, Inc., d/b/a Erwin-Penland vs. Jeffrey Greenfield and 1st Approach LLC*, Civil Action Number 2008-CP-23-6954 (the "state court action").

Commencement of State Court Action: The state court action was commenced when Plaintiff's Summons and Complaint were filed with the Clerk of Court of Common Pleas in and for the County of Greenville, South Carolina on September 12, 2008. Service of the Summons and Complaint was made upon Defendant Greenfield on or about December 3, 2008. This Notice of Removal is timely, in that it is being filed within thirty (30) days of receipt of service of the Summons and Complaint by Defendant Greenfield. Defendant Greenfield has not filed pleadings in this case in the state court action.

Joinder by All Defendants: Defendant 1st Approach LLC has not been served with the state court Summons and Complaint described in the preceding paragraph. Notwithstanding said lack of service, and as shown on Exhibit “A” attached hereto, Defendant 1st Approach LLC hereby joins in the removal of the state court action.

Record in State Court: The following pleadings encompass all of the pleadings received by Defendant Greenfield in this action up to the present time: Civil Action Coversheet, Summons, and Complaint, all of which are attached hereto as Exhibit “B”.

Diversity of Citizenship is Basis for Federal Court Jurisdiction: This dispute between Plaintiff and the Defendants is a controversy between citizens of different states.

- a. Plaintiff Hill Holliday Connors Cosmopolos, Inc. d/b/a Erwin-Penland is a foreign corporation incorporated in the state of Delaware, and it is doing business in South Carolina through its wholly owned subsidiary Erwin-Penland, an advertising \ marketing agency located in Greenville, SC. Hill Holliday Connors Cosmopolos, Inc. is duly registered in the Office of the South Carolina Secretary of State as a foreign corporation in good standing, with CT Corporation System of Greenville SC shown as its Registered Agent in the Secretary of State’s on-line database.
- b. Defendant Greenfield is a citizen and resident of Rockingham County, New Hampshire.
- c. At the time of the occurrence of most of the acts and omissions complained of in Plaintiff’s state court action, Defendant 1st Approach LLC was a limited liability company incorporated in the state of Maine, with its principal place of business located in York County, Maine. On or about April 25, 2007, all of its assets, including but not limited to the intellectual property and other interests referenced in the state court action, and all contracts and claims for damages and \ or relief of any kind from or against any party were sold, transferred and \ or assigned to Product Placement News LLC d/b/a 1st Approach LLC, a limited liability company incorporated in the state of Nevada, with its principal place of business located in Rockingham County, New Hampshire. For the sake of convenience, both entities shall be referred to herein as 1st Approach.

Nature and Description of Case: This action seeks declaratory relief against the Defendants named herein so as to deprive Defendants of their rights and interests in and to a certain national advertising campaign presently being waged by the Plaintiff on behalf of one or more of its clients.

Amount in Controversy: In seeking a Declaratory Judgment against the Defendants, Plaintiff seeks to recover an amount far in excess of \$75,000. The aforesaid national advertising campaign is – upon information and belief – generating many hundreds of thousands of dollars of revenue for the Plaintiff. Thus, Defendants reasonably believe that the Plaintiff seeks damages and/or other recoveries counting toward the jurisdictional minimum, well in excess of \$75,000.

Applicable Statutes: This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and the action is removable to this Court pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1446.

Concurrent Notice to State Court: Defendant Greenfield is concurrently filing a copy of this Notice of Removal with the Clerk of the Court of Common Pleas in and for the County of Greenville, South Carolina, pursuant to 28 U.S.C. § 1446(d). See Exhibit “C” attached hereto.

Concurrent Notice to Plaintiff’s Counsel: Defendant Greenfield is concurrently sending a copy of this Notice of Removal to Plaintiff’s counsel of record by email and by fax. See Exhibit “D” attached hereto.

The Law Office of P. Jeffrey North LLC

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December 10, 2008
Hilton Head SC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the within Notice of Removal was served this date, December 10, 2008 by electronic mail and by fax upon all counsel of record in the state court action.

The Law Office of P. Jeffrey North LLC

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